

### **Remarks**

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendment, claims 1-16, 22-26 and 30-51 are pending in the application, with claims 1, 7, 22, 30, 34, 39, 40, 41 and 44 being the independent claims.

Based on the above amendments and the following Remarks, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections.

### **Interview**

Applicants appreciate courtesies extended during the personal interview conducted on March 23, 2004. During the interview, claims 1, 22, 27 and 29 were discussed with respect to the U.S. Patent No. 5,187,504 to Kanda ("the Kanda patent") and Japanese Publication JP 2001-004961 to Kazuyoshi ("the Kazuyoshi publication").

### **Claim Rejections under 35 U.S.C. 103**

Claims 1-16, 22-26 and 30-51 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Kazuyoshi publication.

### **Independent claims 1 and 34, and their dependent claims**

Independent claim 1 recites "a temple having a first arcuate portion and a second arcuate portion, the temple being coupled to the first end portion of the face, the temple being movable between a folded configuration and an unfolded configuration,

the first arcuate portion of the face having its own degree of curvature, the first arcuate portion of the temple having its own degree of curvature substantially corresponding to the degree of curvature of the first arcuate portion of the face; and

the second arcuate portion of the face having its own degree of curvature, the second arcuate portion of the temple having its own degree of curvature substantially corresponding to the degree of curvature of the second arcuate portion of the face when in the folded configuration and the unfolded configuration."

The Kazuyoshi publication depicts eyeglasses that include a pair of temples and a pair of lenses. When the temples are moved to their collapsed configuration, the temples

are each positioned adjacent the outside of one respective lens and adjacent the inside of the other respective lens. The Kazuyoshi publication fails to teach or suggest a temple having a degree of curvature that is substantially corresponding to the degree of curvature of the face such that the temple is positioned adjacent to the face when in the folded configuration as recited in independent claim 1.

Thus, the invention as recited by independent claim 1 and its dependent claims is not disclosed in or suggested by the Kazuyoshi publication.

Independent claim 34 recites, “the temple having an arcuate portion, the temple being pivotably coupled to the first end portion of the face, the first arcuate portion of the face having its own degree of curvature, the first arcuate portion of the temple having its own degree of curvature substantially corresponding to the degree of curvature of the first arcuate portion of the face; and

the second arcuate portion of the face having its own degree of curvature, the second arcuate portion of the temple having its own degree of curvature substantially corresponding to the degree of curvature of the second arcuate portion of the face when in the folded configuration and the unfolded configuration such that the temple is positioned adjacent to the face when in the folded configuration”

As discussed above, the Kazuyoshi publication fails to teach or suggest a temple having a degree of curvature that is substantially corresponding to the degree of curvature of the face such that the temple is positioned adjacent to the face when in the folded configuration. Thus, the invention as recited by independent claim 34 and its dependent claims is not disclosed in or suggested by the Kazuyoshi publication.

Independent claims 7 and 30, and their dependent claims

Independent claim 7 recites “at least a portion of the outer side of the first lens opening portion being disposed between the inner side of the first lens opening portion and the first temple while in the folded configuration, and at least a portion of the second lens opening portion being disposed between the inner side of the second lens opening portion and the first temple while in the folded configuration, *the first temple being configured to be substantially adjacent to the outer side of the first lens opening and the*

*outer side of the second lens opening while in the folded configuration.”* (emphasis added).

The Kazuyoshi publication, however, fails to disclose such a configuration. The Kazuyoshi publication shows frameless eyeglasses that include a pair of temples and a pair of lenses. When the temples are moved to their collapsed configuration, the temples are each positioned adjacent the outside of one respective lens and adjacent the inside of the other respective lens (i.e., one temple is positioned outside of a first lens and inside a second lens). The Kazuyoshi publication fails to teach or suggest “the first temple being configured to be substantially adjacent to the outer side of the first lens opening and the outer side of the second lens opening while in the folded configuration” as recited in independent claim 7.

Thus, the invention as recited by independent claim 7 and its dependent claims is not disclosed in or suggested by the Kazuyoshi publication.

Independent claim 30 recites “positioning the temple so that at least a portion of the outer side of the first lens is disposed between a portion of the inner side of the first lens and a portion of the temple and so that at least a portion of the outer side of the second lens is disposed between the inner side of the second lens and a portion of the temple while in the folded configuration, and at least a portion of the first temple being substantially adjacent to the outer side of the first lens opening and the outer side of the second lens opening while in the folded configuration.”

As discussed above, the Kazuyoshi publication fails to disclose pivoting a temple so that “at least a portion of the first temple [is] substantially adjacent to the outer side of the first lens opening and the outer side of the second lens opening while in the folded configuration.” Thus, the invention as recited by independent claim 30 and its dependent claims is not disclosed in or suggested by the Kazuyoshi publication.

#### Independent claim 22 and its dependent claims

The present invention, as recited by independent claim 22, includes a temple and a face having an elevated structure disposed on the outer surface of the face. As discussed during the personal interview, the Kazuyoshi publication fails to disclose or suggest such a configuration. Accordingly, independent claim 22 and its dependent claims are allowable.

Independent claim 39

The present invention, as recited by independent claim 39, includes sliding a temple through the end portion of the face, and positioning the temple such that “the outer side of the first lens is disposed between the inner side of the first lens and the temple while in the folded configuration, and at least a portion of the outer side of the second lens is disposed between the inner side of the second lens and the temple while in the folded configuration.”

The Kazuyoshi publication fails to disclose or suggest such a configuration. As discussed above, the Kazuyoshi publication fails to disclose or suggest a configuration in which the temple is positioned so that “the outer side of the first lens is disposed between the inner side of the first lens and the temple while in the folded configuration, and at least a portion of the outer side of the second lens is disposed between the inner side of the second lens and the temple while in the folded configuration.”

Thus, the invention as recited by independent claim 39 is not disclosed in or suggested by the Kazuyoshi publication.

Independent claims 40, 41 and 44 and dependent claim 45

Independent claims 40, 41 and 44 recite “the temple being substantially adjacent to the outer side of the first lens and the outer side of the second lens in the folded configuration” where the outer side of the first lens and the outer side of the second lens are on the same side of the face.

As discussed above, the Kazuyoshi publication fails to disclose a configuration in which “the temple [is] substantially adjacent to the outer side of the first lens and the outer side of the second lens in the folded configuration.” Thus, the invention as recited by independent claims 40, 41 and 44, and dependent claim 45 is not disclosed in or suggested by the Kazuyoshi publication.

Dependent claims 46-51

Dependent claims 46-51 recite that “the first lens and the second lens are monolithically formed as a shield.” While dependent claims are allowable based at least

on their dependence upon the independent claims from which they depend, they are also allowable because the Kazuyoshi publication fails to disclose the first and second lenses being monolithically formed as a shield. The office action is silent with respect to such a configuration. For at least this additional reason, dependent claims 46-51 are allowable.

***Claim rejections Under 35 U.S.C. 102(b)***

Claims 27-29 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention in the Kanda patent.

Applicants have canceled claims 27-29 without prejudice to or disclaimer of the subject matter therein. While Applicants do not acquiesce to the Examiners rejection of claims 27-29, the claims have been canceled to advance prosecution of the application. Applicants reserve the right to pursue the claims in a subsequent application. The rejection of claims 27-29 is obviated based on the cancellation of those claims.

***Conclusion***

The rejections have been properly traversed or rendered moot. Applicants therefore respectfully request that the Examiner reconsider the presently outstanding rejection and that it be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.


Prompt and favorable consideration of this Amendment is respectfully requested.

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Cooley Godward LLP  
ATTN: Patent Group  
One Freedom Square  
Reston Town Center  
11951 Freedom Drive  
Reston, VA 20190-5656  
Tel: (703) 456-8000  
Fax: (703) 456-8100

Respectfully submitted,  
**COOLEY GODWARD LLP**

By: \_\_\_\_\_

  
Erik B. Milch  
Reg. No. 42,887

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